

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 50 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PRABHUDAS REVANDAS & BROTHERS

Versus

STATE OF GUJARAT

Appearance:

MR CHETAN PANDYA for Petitioners

MR DP JOSHI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/10/97

ORAL JUDGMENT

#. Heard learned counsel for the parties. It is not in dispute that the judgment of this Court declaring the Notification of the respondent dated 26th March 1979, issued in exercise of powers conferred under Section 15 of the Mines & Minerals (Regulation & Development) Act, 1957, has been reversed by their Lordships of the Hon'ble Supreme Court in the case of D.K.Trivedi & Sons v. State

of Gujarat, reported in AIR 1986 SC 1323 and that Regulation was held valid. The only grievance of the petitioners is that the respondent No.2, under its Notice dated 11.3.81, has demanded from the petitioners, dead rent at the rates which were prevalent prior to the Notification dated 26th March 1979, which is illegal and arbitrary as that Notification was held to be valid by Hon'ble Supreme Court.

#. This Court has protected the petitioners by grant of interim relief in terms of paragraph 23(A). So in pursuance of the said Notice, nothing has been done by respondents. However, the learned counsel for the petitioners fairly submitted that challenge to annexure 'G', i.e. Schedule 'I' of the Gujarat Minor Mineral (Amendment) Rules 1981, now no more survives in view of the decision of Hon'ble Supreme Court in the aforesaid case. In view of this fact, this Special Civil Application is disposed of in terms that in case the respondents intend to effect the Notice dated 11th March 1981, annexure 'F', then the same shall be permissible only after giving notice and opportunity of hearing to the petitioners. The Special Civil Application and Rule stand disposed of in aforesaid terms with no order as to costs.

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(sunil)